

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0204

Development description: erection of stable building for equestrian and livestock purposes

Site address: Land south of St Margarets Church, Aislaby

Parish: Aislaby

Case officer: Miss Megan O'Mara

Applicant: Miss Jade Birch
23 The Avenue, Whitby, North Yorkshire, YO21 3WW

Agent: John Goodrick Equestrian
fao: John Goodrick, Whey Carr Farm, Sand Hutton, York, YO41 1LB

Director of Planning's Recommendation

Refusal for the following reason:

Reason(s) for refusal

Refusal reason code	Refusal reason text
1	The proposed stable building would be sited in an isolated and prominent position within a field that lacks sufficient screening and as such, the development would result in unacceptable harm to the local landscape character and special qualities of the National Park, contrary to Policy CO20 of the Authority's adopted policies, as set out within the Local Plan.

Consultation responses

Parish

Object – a number of concerns were raised by local residents and have been summarised by the Parish Council in objection to the application.

- The development will increase the traffic on an already busy bridleway, footpath and cycle track.
- Damage has already been done to the existing trees/hedgeway
- The site is overlooked by the conservation area and visible from Egton Road
- Clarification required as to the removal of manure i.e. will this be weekly/monthly
- The stables are very large, and stated as a minimum requirement. It is felt these are too big and out of character
- Overdevelopment of the site
- This appears to contravene NYMNP local plan 2020 on equestrian development for private use
- The site is thought to have no mains services
- There were also thoughts that the development may constitute a change of use for the land

Highways

On the clear understanding that this application will be conditioned to remain ancillary to the applicant and that the applicant has a vehicular right of access along the bridleway to the gate for the delivery of the stable building materials, there are no highway objections to the application.

Third party responses

Susan and Phillip Murray of 82, Main Road, Aislaby, North Yorkshire, YO21 1SP

Object –It is noted that there has been significant removal of hedgerows and alterations to landscape, introduction of hardcore and fencing, impacting the surrounding landscape. Mr and Mrs Murray consider the following:

1. the development would have an unacceptable impact on the local landscape and by people who do not live either in the village or in open countryside within close proximity to Aislaby. Thereby their proposal impacts greatly on the residents for nothing other than their personal wish to keep animals for pleasure, when they live nowhere near which again is very inconsiderate.
2. It is not closely associated with any existing buildings and would be standalone stables.

3. The scale of the proposed structure is not moderate as suggested by the applicant and is not appropriate to its setting
4. It harms the amenities of the neighbouring occupiers by impacting on the local landscape character as well as impacting on a very well used bridleway and prejudices safety of pedestrians, cyclists, horses and riders and dogs along this route due to the daily (and more than once a day) movement of cars going to and from the site.
5. With regard to lighting, there are bats in the area and any lighting within the proximity of the church would have an adverse impact on their habitat. Any lighting would contribute to light pollution within the national park especially in wintertime and shorter days.
6. Lack of information regarding the maintenance of the site, particularly manure storage and removal.

Mrs Margaret Thompson of Glebe Farm, 25 Main Road, Aislaby, Whitby, YO21 1SW

Object – Mrs Thompson has made the following comments in response to the application:

1. The size is described as 'reasonably modest', yet seems to be a substantial development that would be very visible from the village and the bridleway. Described as the 'minimum size required' I am concerned that these outbuildings could quickly be outgrown and that further stabling or outbuildings would then be required, increasing the size of the development even more.
2. Half of the field was sold in March 2022 and divided in two. The remaining portion, now owned by the applicant, has been subdivided into 3 with post and rail fences that are very visible, changing the appearance of the land from an open field to a very busy area. It seems to be overdevelopment of the field and this, together with the application for outbuildings, almost appears to be an attempt to turn a field into a smallholding.
3. How would the stables be lit? There are no lights in this part of the woodlands at night - would this increase light pollution? In addition, how will the lights be powered as there is no mains electricity to this site.
4. Traffic on the bridleway has increased significantly since ownership of the field was transferred. This is a busy bridleway, well used by local villagers from Sleights and Aislaby, by walkers, dog walkers, horse riders and cyclists. It is part of the Moors to Sea cycle route. The increase in motor vehicles has already increased the safety risks for the other users of the bridleway and this could be further exacerbated if the building of stables led to another increase in vehicles using the bridleway.

5. The land slopes downhill into the valley. I would be concerned that any run off from the manure heap that is mentioned as being sited adjacent to the stables would run into our field immediately below the stable posing a biosecurity risk to our animals.

Mrs Sara Pickering of 5 Galley Hill Slack, Aislaby, Whitby, North Yorkshire, YO21 1SR

Support - The proposed stables/livestock shelter are a necessity for the applicant to carry out daily husbandry tasks essential for animal welfare. There are Valais Black Nose Sheep, Pygmy goats and Shetland ponies who all need feed, water, vet & med and daily checks to ensure they are all fit and well. Obviously in winter and during periods of bad weather the animals will need shelter as a basic requirement. The proposed stables/livestock shelter has been designed to fit into the natural surroundings with minimum impact to both the land and residents of the village. In my opinion, the resident's view of the beautiful Esk Valley from Egton Road is not spoilt as the proposed building is set well below their line of vision and after a period of time I think the building will blend into the landscape.

Olga Moutney, 5 Egton Road, Aislaby, Whitby, YO21 1SU

Support

Martin Beeforth, 10 Beacon Way, Sneaton, Whitby, YO22 5HR

Support – In order to protect the land and for the welfare of the livestock, the shelter is essential. There are no existing buildings to meet the needs of the applicant and it is not considered that there would be a detrimental impact to the landscape. Mr Beeforth considers the proposed development to be of appropriate design and feels that there is an abundance of natural screening. Consideration has been given to local residents and there is unlikely to be harm in terms of noise and odour. The proposed development meets the criteria of Policy CO20.

Publicity expiry

Advertisement/site notice expiry date: 16 June 2023



This photo shows the new access that has been created to serve the proposed stable, together with the unauthorised groundworks.



This photo shows the development site with clear views across the field towards residential properties.

Background

The development site is a field south of a row of residential dwellings that run along the southern side of Egton Road, Aislaby. The open field, up until recently, was free of any structures or fencing and was identified as agricultural in terms of its use. It was brought to the Authority's attention that significant groundworks and the removal of vegetation had taken place. The groundworks, which would have required planning permission, have cut into the existing landscape to provide a flat base for the proposed stable building, to which this application relates. The applicants have not sought planning permission for a change of use of the land from agricultural to equestrian.

The applicants submitted a pre-application advice enquiry seeking guidance on the erection of a number of structures on the land and were advised by an Officer that the Authority would be unlikely to support the proposals due to landscape impact. The applicants subsequently submitted this application for the erection of a timber stable building along the southern boundary of the field. The proposed 'U' shaped stable building measures 18.5m by 9.3m with an eaves height of 2.44m.

Main issues

Local Plan

Strategic Policy A relates to Achieving National Park Purposes and Sustainable Development. Within the North York Moors National Park a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework and where decisions are consistent with National Park statutory purposes. New development should conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and also promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is an irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and greater weight will be attached to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Strategic Policy C relates to the quality and design of development within the National Park. The policy seeks to ensure that proposed development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density together with carefully considered scale, height, massing and form. Proposals should incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.

Strategic Policy I relates specifically to development affecting the Historic Environment. The policy states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate,

enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area

Policy ENV11 relates specifically to Historic Settlements and the Built Heritage. The policy states that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features.

Policy CO20 relates specifically to horse related development for private use, including stables, outdoor exercise arenas and permanent field shelters. The policy states that development will only be permitted where there is no unacceptable impact on the local landscape character or the special qualities of the National Park. Existing buildings must be used as far as possible and any new stables, yard areas and facilities are closely associated with existing buildings and are not prominent in the landscape. The scale of any new structures must appropriate to their setting and the design must reflect the principles outlined in the Authority's Design Guide. The development must not harm the amenities of neighbouring occupiers by reason of noise, disturbance, smell or other adverse impact; any lighting should be discreet in order to minimise light pollution.

Principle of Development

This application seeks planning permission for the erection of a timber 'U' shaped stable building on a field south of Egton Road in Aislaby. It is proposed that the stable will primarily be used for the keeping of horses on the land, with some space within the building allocated to the keeping of sheep. The application states that the proposed stable is for private equestrian use, not commercial, as such, the development is assessed predominantly against Policy CO20 of the Authority's adopted policies, as set out within the Local Plan.

Policy CO20 explains that many households living at the edge of villages or in Open Countryside keep horses for private use, taking advantage of the network of country lanes and bridleways for recreation. Horse related development needs to be managed with care as it can be harmful to the appearance of the landscape, especially where stables, all-weather exercise areas and paraphernalia associated with horse keeping are located in fields and paddocks adjacent to residential properties rather than within the domestic curtilage. The character of the landscape can also be altered when agricultural land is broken up into smaller scale paddocks containing horse keeping structures.

The Authority aims to protect the landscape from intrusion by isolated features so new stables, loose boxes or outdoor exercise arenas which are separated from existing buildings or are prominent in the landscape will not be permitted. Stables, field shelters and exercise areas should be located in positions which relate well to existing buildings

and proposals should take advantage of hedgerows or other landscape features that would provide screening.

The development site is an open field with clear views across and into the site from the wider area. The prominence of this site has been exacerbated by the applicants through the removal of a substantial amount of vegetation and hedgerows that originally provided some level of screening. The applicants have also divided the site into smaller paddocks and whilst the fencing itself does not require permission, the use of the land for equestrian purposes does. As Policy CO20 explains, the division of land into smaller plots can be harmful to the landscape character.

Policy CO20 is clear that horse related development for private use, including stables, outdoor exercise arenas and field shelters will only be permitted where there is no unacceptable impact on the local landscape character or the special qualities of the National Park. The policy also requires that existing buildings are used as far as possible and any new stables, yard areas and facilities are closely associated with existing buildings and are not prominent in the landscape. It is considered that the proposed stable building would be prominent within the open field and combined with the new access, levelling groundworks and division of the land into smaller plots would result in detrimental harm to the character of the landscape and surrounding area. The proposed stable would be isolated from any existing buildings which not only results in harm to the landscape, but also raises concerns regarding the long-term management of the site and the welfare of the animals kept on site given that the applicants do not live within the National Park. The application also states that the stable building is the absolute minimum size that would meet the applicants needs, which highlights the pressure caused by the isolated location and lack of existing buildings or residential unit within close proximity; issues of which the Authority's adopted policies seek to avoid.

Overall, officers consider that the proposed stable building would be isolated from existing buildings and sit in a prominent and highly visible position within the landscape and as such, fails to adhere to Policy CO20 of the Authority's adopted policies. The overall impact of the proposed development is exacerbated by the scale of the proposed building, together with a distinct lack of sufficient screening. Furthermore, the unauthorised groundworks are considered to have resulted in substantial harm to the landscape character.

A number of local residents, along with the Parish Council, have objected to the application with concerns over landscape impact, increase in traffic and activity, the impact on the adjacent bridleway and also the removal of screening around the site. Highways have not objected to the application.

In conclusion, the proposed development fails to adhere to the Authority's adopted policies and Design Guidance and as such, the application is recommended for refusal.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

N/A

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.